

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

SCOTT LOUIS PANETTI,

§

Petitioner,

§

-VS-

§

Civil NO. 1:04cv-00042-RP  
\*CAPITAL CASE\*

BOBBY LUMPKIN,

§

Director,

§

Texas Department of  
Criminal

§  
§

Justice, Correctional  
Institutions

§  
§

Division,

§

Respondent.

§

Petitioner Scott Louis Panetti submits, attached, his exhibit list in advance of the evidentiary hearing to be held by this Court on October 24, 2022.

Panetti reserves the right to seek admission of additional exhibits as may be required, in light of the Director's evidence, to fully present his case and for rebuttal to any testimony or evidence put on by the Director.

Respectfully submitted,

/s/ Gregory W. Wiercioch  
GREGORY W. WIERCIOCH  
Counsel for Petitioner  
Texas Bar No. 00791925

Frank J. Remington Center  
University of Wisconsin Law School  
975 Bascom Mall  
Madison, Wisconsin 53706  
[wiercioch@wisc.edu](mailto:wiercioch@wisc.edu)  
(832) 741-6203

(608) 263-3380 (FAX)

Timothy Gumkowski  
Donna Coltharp  
Counsel for Petitioner

Assistant Federal Public Defenders  
Capital Habeas Unit  
Western District of Texas  
919 Congress Ave., Ste 950  
Austin, Texas 78701  
[tim\\_gumkowski@fd.org](mailto:tim_gumkowski@fd.org)  
[donna\\_coltharp@fd.org](mailto:donna_coltharp@fd.org)

MAUREEN SCOTT FRANCO  
Federal Public Defender

**CERTIFICATE OF SERVICE**

I certify that, on October 10, I electronically filed this notice with the Clerk of the Court for the U.S. District Court for the Western District of Texas, using the electronic case-filing system. A “notice of Electronic Filing” was sent to Counsel for Respondent at the following email address:

Jay Clendenin  
Assistant Attorney General  
[jay.clendenin@oag.texas.gov](mailto:jay.clendenin@oag.texas.gov)

Justine Isabelle Caedo Tan  
Assistant Attorney General  
[justine.tan@oag.texas.gov](mailto:justine.tan@oag.texas.gov)

/s/*Gregory W. Wiercioch*

SCOTT LOUIS PANETTI, §  
*Petitioner,* §  
§  
v. § CIVIL NO. 1:04-CV-42-RP  
§ (Death Penalty Case)  
BOBBY LUMPKIN, Director, §  
Texas Department of Criminal §  
Justice, Correctional Institutions §  
Division, §  
*Respondent.* §

### **PETITIONER'S EXHIBIT INDEX, Page 1 of 5**

<b>Exhibit #</b>	<b>Exhibit Description</b>	<b>Bates Start</b>	<b>Bates End</b>
<b>Affidavits and Declarations</b>			
1.	Alvardao, Sonja - Unsigned	000001	000005
2.	Douglass, S. Preston – July 28, 1999	000006	000007
3.	Dow, David – February 3, 2004	000008	000010
4.	Hildebrand, Ray – June 19, 1997	000011	000019
5.	McBride, Jessica – August 16, 1999	000020	000023
6.	Monroe, Scott – July 26, 1999	000024	000035
7.	Mosty, Richard - 1999	000036	000038
8.	Panetti, Jane – May 16, 1985	000039	000041
9.	Panetti, Louis – August 30, 1999	000042	000045
10.	Panetti, Marcia – July 24, 1999	000046	000048
11.	Panetti, Thomas – June 13, 1997	000049	000050
12.	Panetti, Victoria – August 28, 1999	000051	000054
13.	Panetti, Yvonne – August 30, 1999	000055	000061
14.	Rowland, John – June 23, 1999	000062	000065
15.	Selk, Wolfgang – June 9, 1997	000066	000074
16.	Solbrig, Meridel - June 2, 1997	000075	000077
<b>Audio Transcripts</b>			
17.	Jack and Yvonne Panetti Visit – December 4, 2007, Audiotape 30a	000078	000159
18.	Jack and Yvonne Panetti Visit – December 4, 2007, Audiotape 30b	000160	000235
19.	Jack and Yvonne Panetti Visit – December 10, 2007, Audiotape 32	000236	000313
20.	Jack and Yvonne Panetti Visit – December 10, 2007, Audiotape 32	000314	000385
21.	Jack and Yvonne Panetti Visit – December 10, 2007, Audiotape 42	000386	000405
22.	Jack and Yvonne Panetti Visit – December 17, 2007, Audiotape 49	000406	000483
23.	Jack and Yvonne Panetti Visit – December 17, 2007, Audiotape 49	000484	000543

SCOTT LOUIS PANETTI, §  
*Petitioner,* §  
§  
v. § CIVIL NO. 1:04-CV-42-RP  
§ (Death Penalty Case)  
BOBBY LUMPKIN, Director, §  
Texas Department of Criminal §  
Justice, Correctional Institutions §  
Division, §  
*Respondent.* §

### **PETITIONER'S EXHIBIT INDEX, Page 2 of 5**

<b>Exhibit #</b>	<b>Exhibit Description</b>	<b>Bates Start</b>	<b>Bates End</b>
24.	Jack and Yvonne Panetti Visit – December 4, 2007, Audiotape 50a	000544	000583
25.	Kathryn Cox Visit – December 28, 2007, Audiotape 52a	000584	000645
26.	Kathryn Cox Visit – December 28, 2007, Audiotape 52b	000646	000699
27.	Jack and Yvonne Panetti Visit – January 4, 2008, Audiotape 56a	000700	000769
28.	Jack and Yvonne Panetti Visit – January 4, 2008, Audiotape 56b	000770	000849
<b>Depositions</b>			
29.	Barger, Janet – January 19, 2008	000850	001003
30.	Ford, Lashondra – January 19, 2008	001004	001057
31.	Jackson, Stephanie – August 10, 2022	001058	001130
32.	Rosenstein, Leslie – January 10, 2008	001131	001290
33.	Roy, Julia – January 19, 2008	001291	001337
<b>Hearing Transcripts</b>			
34.	Testimony of Dr. Anderson, Mary – September 7, 2004	001338	001363
35.	Testimony of Dr. Conroy, Mary – September 7, 2004	001364	001426
36.	Testimony of Dr. Cunningham, Mark – September 7, 2004	001427	001440
37.	Major Miller, Steven – September 7, 2004	001441	001462
38.	Testimony of Dr. Parker, George – September 7, 2004	001463	001501
39.	Testimony of Dr. Rosin, Susana – September 7, 2004	001502	001522
40.	Testimony of Dr. Silverman, Seth – September 7, 2004	001523	001541
41.	Ford Hearing, Volume 1, February 5, 2008	001542	001771
42.	Ford Hearing, Volume 2, February 6, 2008	001772	001960

SCOTT LOUIS PANETTI, §  
*Petitioner,* §  
§  
v. § CIVIL NO. 1:04-CV-42-RP  
§ (Death Penalty Case)  
BOBBY LUMPKIN, Director, §  
Texas Department of Criminal §  
Justice, Correctional Institutions §  
Division, §  
*Respondent.* §

### **PETITIONER'S EXHIBIT INDEX, Page 3 of 5**

<b>Exhibit #</b>	<b>Exhibit Description</b>	<b>Bates Start</b>	<b>Bates End</b>
<b>Hospital Records and Summaries</b>			
43.	Brooke Army Medical Center – June 28, 1978	001961	002074
44.	Cumberland Memorial Hospitalization Summary – August 26, 1986	002075	002079
45.	Kerrville State Hospitalization Summary – 1981 thru 1990	002080	002090
46.	Kerrville State Hospitalization Summary – October 16, 1986, thru November 28, 1986	002091	002092
47.	Kerrville State Hospitalization Summary – December 29, 1986, thru January 25, 1993	002093	002099
48.	Kerrville State Hospitalization Summary – July 8, 1991	002100	002101
49.	Starlight Village Hospitalization Summary – April 1, 1986	002102	002102
50.	Starlight Village Hospitalization Summary – April 18, 1986	002103	002104
51.	Starlight Village Hospitalization Summary – April 28, 1986	002105	002105
52.	Starlight Village Hospitalization Summary – October 5, 1986	002106	002109
53.	Starlight Village Medical Records	002110	002332
54.	Tomah Veterans Affairs Medical Center Hospitalization Summary – May 15, 1986	002333	002336
55.	Waco Veterans Affairs Medical Center Hospitalization Summary – May 15, 1986	002337	002339
56.	University of Texas Medical Branch – February 28, 1996	002340	002344
57.	University of Texas Medical Branch – February 15, 2007	002345	002447
58.	University of Texas Medical Branch – September 26, 1995, thru September 16, 1999	002448	002520

SCOTT LOUIS PANETTI, §  
*Petitioner,* §  
§  
v. § CIVIL NO. 1:04-CV-42-RP  
§ (Death Penalty Case)  
BOBBY LUMPKIN, Director, §  
Texas Department of Criminal §  
Justice, Correctional Institutions §  
Division, §  
*Respondent.* §

### **PETITIONER'S EXHIBIT INDEX, Page 4 of 5**

<b>Exhibit #</b>	<b>Exhibit Description</b>	<b>Bates Start</b>	<b>Bates End</b>
59.	University of Texas Medical Branch – January 1, 2018, thru August 17, 2021	002521	002721
60.	University of Texas Medical Branch – August 1, 2021, thru June 8, 2022	002722	002761
<b>Mental Health Records – Texas Department of Criminal Justice</b>			
61.	Mental Health Notes – October 26, 1995, thru August 29, 1997	002762	002798
62.	Jester IV Admission Record – December 19, 1995	002799	002800
63.	Jester IV Discharge Summary – September 29, 1997, thru October 8, 1997	002801	002801
64.	Mental Health Follow-up – May 25, 2004	002802	002802
65.	University of Texas Medical Branch – January 1, 2018, thru August 17, 2021	002803	002887
66.	University of Texas Medical Branch – August 1, 2021, thru June 22, 2022	002888	002906
67.	Restrictive Housing Assessment – August 2, 2022	002907	002911
<b>Records</b>			
68.	Military Records	002912	003001
<b>Reports</b>			
69.	1988 Evaluation by Dr. Sam Benbow	003002	003005
70.	1992 Report of Dr. Lee Simes	003006	003010
71.	1997 Evaluation by Dr. Michael Arambula	003011	003017
72.	2004 Report of Dr. Mark Cunningham	003018	003020
73.	2004 Report of George Parker, Ph.D. and Mary Anderson, M.D.	003021	003025
74.	2007 Report of Dr. Mary Alice Conroy	003026	003031
75.	2007 Priscilla Ray Report	003032	003052
76.	2007 Leslie Rosenstein Report	003053	003057
77.	2007 Thomas Allen Report	003058	003064
78.	2007 David Self Report	003065	003071

SCOTT LOUIS PANETTI, §  
*Petitioner,* §  
§  
v. § CIVIL NO. 1:04-CV-42-RP  
§ (Death Penalty Case)  
BOBBY LUMPKIN, Director, §  
Texas Department of Criminal §  
Justice, Correctional Institutions §  
Division, §  
*Respondent.* §

### **PETITIONER'S EXHIBIT INDEX, Page 5 of 5**

<b>Exhibit #</b>	<b>Exhibit Description</b>	<b>Bates Start</b>	<b>Bates End</b>
<b>1994 Competency to Stand Trial</b>			
79.	Volume 8 of 43 Volumes – First Competency Trial 1994	003072	003235
80.	Volume 9 of 43 Volumes – First Competency Trial 1994	003236	003397
81.	Volume 10 of 43 Volumes – First Competency Trial 1994	003398	003454
82.	Volume 12 of 43 Volumes – Second Competency Trial 1994	003455	003602
83.	Volume 12 of 43 Volumes – Second Competency Trial 1994	003603	003812
84.	Competency Trial – Mental Health Records	003813	004312
85.	Jail Records	004313	004422
86.	Photo of August 2022 Calendar	004423	004423
<b>2022 Reports and Evaluations</b>			
87.	Dr. Bhushan Agharkar Report	004424	004437
88.	Dr. Mark Cunningham Report	004438	004443
89.	Dr. Steven Marder Report	004444	004451
90.	Dr. Timothy Proctor	004452	004495
91.	OAG Discovery, 2022.03.31 Grievances		
92.	OAG Discovery, 2022.07.06 to 2022.09.22 (Panetti Mail)		
93.	OAG Discovery, 2022.09.25 (Panetti Mail)		
94.	OAG Discovery, 2022.05.01 to 2022.09.26 (TDCJ Medical Records)		
95.	OAG 2022 Discovery (2014 Execution Packet)		
96.	Photo Taken OAG of Scott Panetti's Cell		
97.	Photo of Cell Door, Polunsky Unit		
98.	Dr. Shawn Agharkar, Written Interview Notes, 2022.09.22 and 2022.09.29		